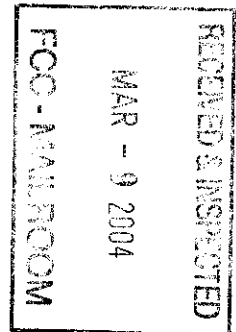


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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

February 2004

In the matter of)
) MB Docket No. _____
Amendment of 73.202(b))
Table of Allotments) RM- _____
FM Broadcast Stations)
(Charleston and Nashville, TN))



PETITION FOR RULE MAKING

Claire Giannasi, by her council, respectfully submits this Petition for Rule Making, which seeks to amend the FM Table of Allotments so as to allocate channel 250A to Charleston, TN, as that community's first local aural service.

DISCUSSION

Attached to this Petition is an engineering report, which confirms that the proposed change to the FM Table of Allotments could be made consistent with FCC rules. See Exhibit A hereto.

In order to accommodate the addition of Channel 250A at Charleston, TN, the petitioner requests reclassification of station WSIX-FM at Nashville, TN from Channel 250C to Channel 250C0. WSIX-FM, Nashville, TN, licensed to Capstar TX Limited Partnership, operates at 349 meters (1145 feet). The Commission's Second Report

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MB 04-48

and Order in MM Docket 98-93, 15 FCC Rcd 21649 (2000), amended 47 CFR section 73.3573 by adding Note 4. By that provision, any station that operates with an antenna height above average terrain of less than 450 meters may be subjected to being reclassified as a C0. The Petitioner certifies that other than Channel 250A, pending the reclassification of WSIX-FM from Channel 250C to 250C0, there are no other channels available to be allotted at Charleston, TN that would meet FCC spacing requirements, and cover 100% of the city of Charleston with a minimum 70dBu city grade signal. See Exhibit B hereto.

The incorporated city of Charleston, TN is located in Bradley County, Tennessee. Charleston qualifies as a "community" for purposes of the FCC's FM allocation rules. As the FCC has found in numerous similar cases, the city has its own post office/zip code ("37310") and is governed by an elected mayor and council. It is officially a Census Designated Place, with a population of 630 persons (2000 Census). It has its own police and city fire hall (See Exhibit D), ten churches and several business establishments (see Exhibit E).

Should the requested allocation be made, the Petitioner will file an application and, if granted a construction permit, she will promptly build the new facility.

REFERENCE COORDINATES

The coordinates of Charleston, TN were determined by using the National Atlas of the United States of America in accordance to 47 CFR section 73.208(a)(1)(iii). The coordinates are:

North 35 degrees, 17 minutes, 14 seconds

West 84 degrees, 45 minutes, 30 seconds

Because of station WSIX-FM Nashville, Tennessee and WKXJ (FM) Signal Mountain, Tennessee; a restriction is required for the Channel 250A allotment at Charleston, TN. At a point corresponding to the following geographic coordinates, which is 13.4 kilometers northeast of Charleston, the Channel 250A allotment can be made at Charleston in compliance with the minimum distance separation requirements 47 CFR section 73.207.

North 35 degrees, 19 minutes, 11 seconds

West 84 degrees, 37 minutes, 00 seconds

CONCLUSION

The results of this study demonstrate that the FM Table of Allotments in 47 CFR section 73.202(b) of the Commission's Rules may be amended in technical compliance with all applicable spacing rules. Therefore, the Petitioner, Claire Giannasi, respectfully requests the following change to the Table:

<u>CITY</u>	<u>PRESENT</u>	<u>CHANNEL</u>
Charleston, TN		---
Nashville, TN		201A, 206A, 212C, 216C2, 225C, 238C, 250C, 277C0, 290C

<u>CITY</u>	<u>PROPOSED</u>	<u>CHANNEL</u>
Charleston, TN		250A
Nashville, TN		201A, 206A, 212C, 216C2, 225C, 238C, 250C0, 277C0, 290C

Respectfully submitted,

Claire Giannasi

By: 

Kris R. Kendrick, her counsel
P.O. Box 82032
Athens, GA 30608-2032
(706) 613-7117

CERTIFICATE OF SERVICE

I, Kris R. Kendrick, hereby certify that the following Petition for Rule Making has been sent, via first class mail, to the following:

Audio Division (MB)
c/o Office of the Secretary TW B204
FCC
445 12th Street NW
Washington, DC 20554

LICENSEE: WSIX-FM
CAPSTAR TX LIMITED PARTNERSHIP
2625 S MEMORIAL DR STE A
TULSA, OK 74129-2623

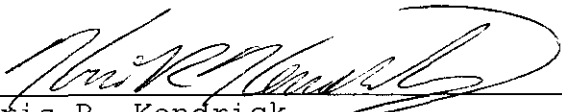

Kris R. Kendrick

EXHIBIT A
SHORTSPACE STUDY

The following table lists the nearest assignments and allocations currently on file with the required distance separations for Channel 250A.

As required by 47 CFR section 73.207, all minimum distance separation requirements are met from the Channel 250A allotment reference site proposed for Charleston. All distances were computed by methods outlined in 47 CFR section 73.208(c) of the Commission's Rules and were rounded to the nearest kilometer in accordance with 47 CFR section 73.208(c)(8).

All information contained herein is thought to be true and correct to the knowledge of the undersigned.


Kris R. Kendrick

**NEW - CHARLESTON, TN
SHORTSPACE STUDY 2/11/04**

**REFERENCE
35 19 11 N
84 37 00 W**

**CLASS A
CHANNEL 250 - 97.9 MHz**

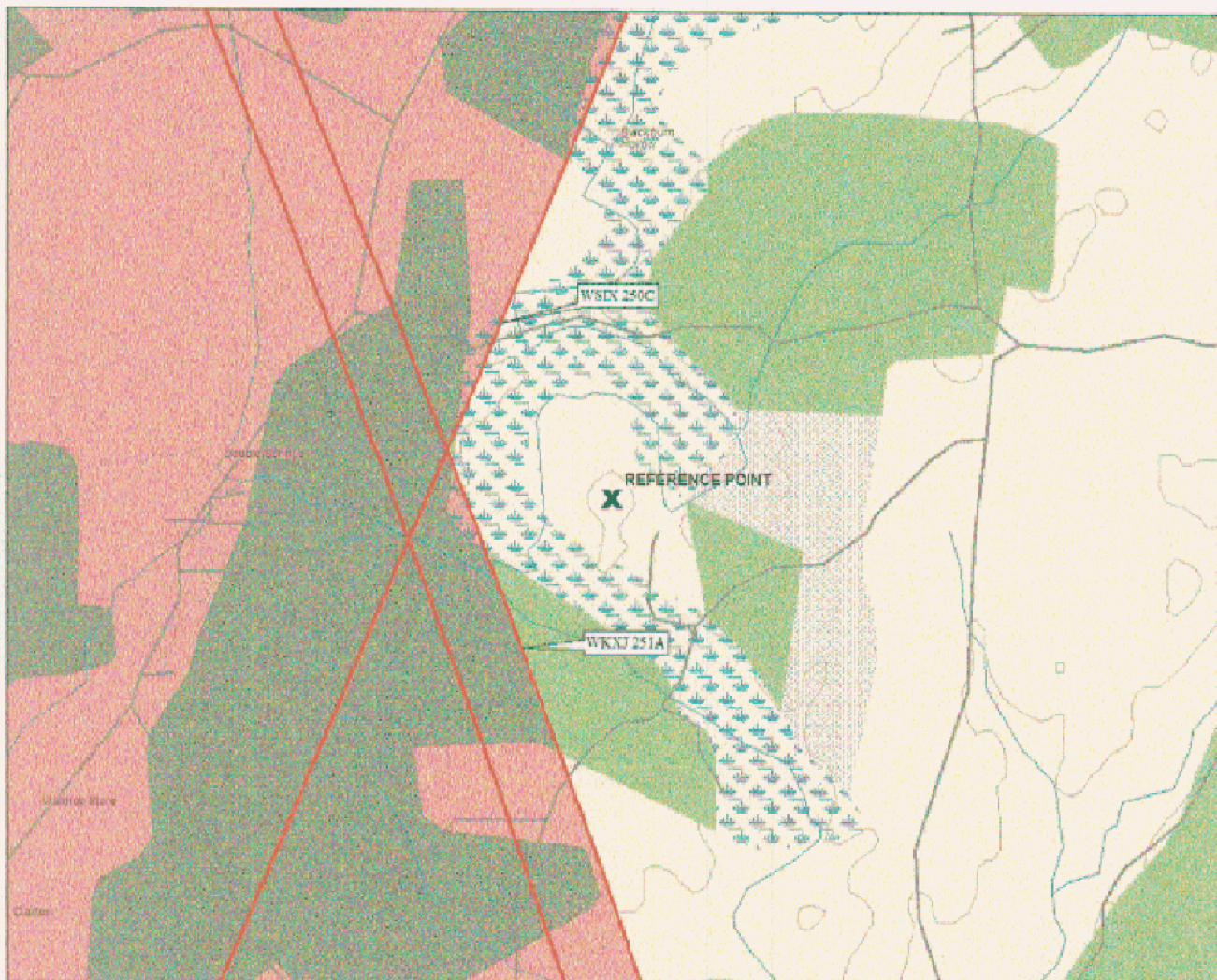
<u>Call</u>		<u>Channel</u>	<u>Location</u>		<u>Dist (km)</u>	<u>Axi</u>	<u>FCC (km)</u>	<u>Margin</u>	
-	ADD	250A	CHARLESTON	TN	2	27.79	115	-113	*
WSIX-FM	LIC	250C	NASHVILLE	TN	216	292.66	226	-10	**
WSIX-FM	USE	250C	NASHVILLE	TN	216	292.66	226	-10	**
WHZT	USE	251C	SENECA	SC	164	114.97	165	-1	***
WHZT	LIC	251C	SENECA	SC	164	114.87	165	-1	***
-	DEL	251C	SENECA	SC	164	114.87	165	-1	***
WKXJ	LIC	251A	SIGNAL MOUNTAIN	TN	73	249.39	72	1	
WKXJ	APP	251A	SIGNAL MOUNTAIN	TN	73	249.39	72	1	
891102MH	USE	251A	SIGNAL MOUNTAIN	TN	73	249.92	72	1	
WSIX-FM	LIC	250C0	NASHVILLE	TN	216	292.66	215	1	****
WJXB-FM	LIC	248C	KNOXVILLE	TN	99	38.64	95	4	
WJXB-FM	USE	248C	KNOXVILLE	TN	99	38.64	95	4	
WLOD-FM	LIC	252A	SWEETWATER	TN	36	23.53	31	5	
WLOD-FM	USE	252A	SWEETWATER	TN	36	23.53	31	5	
-	ADD	251C0	SENECA	SC	164	114.87	152	12	
WKCX	USE	249C3	ROME	GA	116	199.95	89	27	
WKCX	LIC	249C3	ROME	GA	133	205.08	89	44	

* PETITION WAS CONSIDERED UNACCEPTABLE BY THE COMMISSION ON 12/22/03

** PETITIONER REQUESTS RECLASSIFICATION FROM CLASS C TO CLASS C0

*** FACILITY HAS AN APPLICATION TO DOWNGRADE TO A CLASS C0

**** SHOWS WSIX WHEN CLASSIFIED AS A CLASS C0



Topo USA 2.0 Copyright © 1999 DeLorme Vermont, NE 04096 Scale: 1:20,800 Detail: 12-7

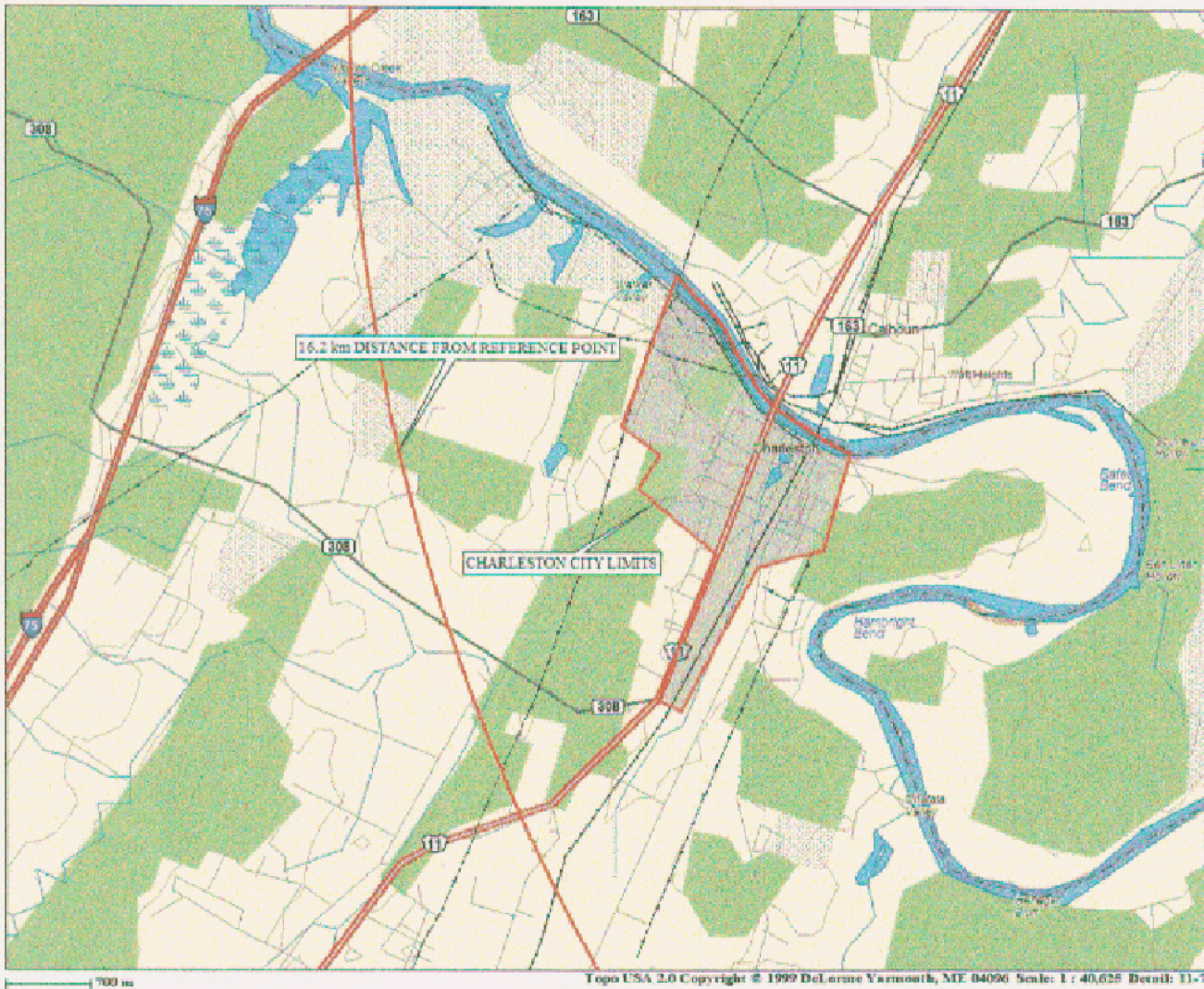


EXHIBIT B
CHANNEL BY CHANNEL STUDY

The following exhibit demonstrates that no other channel, besides Channel 250A, pending the reclassification of station WSIX-FM from a Class C to Class C0, can be made in compliance with FCC spacing rules to be allotted to Charleston, TN.

This is a channel by channel study (from Channel 221 to Channel 300), using the reference coordinates for the city of Charleston, TN, as published in the National Atlas of the United States of America. One conflicting licensed facility or application is demonstrated for each channel. The last column in the study, "labeled 16.2 km Offset", indicates that the studied channel cannot be used anywhere in the 16.2 km "city grade" radius of Charleston, TN. In this study, Channel 250 appears to be unacceptable; however when WSIX-FM is reclassified from a Class C as a Class C0, this channel can be allotted to Charleston, TN and meet the minimum spacing requirements set forth in 47 CFR section 73.207.

**NEW - CHARLESTON, TN
CHANNEL BY CHANNEL STUDY 2/10/04**

**REFERENCE
35 17 14 N
84 45 30 W**

**CLASS A
CHANNEL 250 - 97.9**

<u>Study</u>	<u>Call</u>		<u>Channel</u>		<u>Location</u>		<u>Dist (km)</u>	<u>FCC (km)</u>	<u>Margin</u>	<u>16.2 km Offset</u>
221	WDEF-FM	LIC	222	C	CHATTANOOGA	TN	54.17	165	-110.83	-94.63
222	WDEF-FM	LIC	222	C	CHATTANOOGA	TN	54.17	226	-171.83	-155.63
223	WDEF-FM	LIC	222	C	CHATTANOOGA	TN	54.17	165	-110.83	-94.63
224	WBZH	LIC	224	A	HARRIMAN	TN	72.91	115	-42.09	-25.89
225	WOCE	LIC	226	A	BENTON	TN	17.44	72	-54.56	-38.36
226	WOCE	LIC	226	A	BENTON	TN	17.44	115	-97.56	-81.36
227	WHRP	LIC	227	C1	TULLAHOMA	TN	150.49	200	-49.51	-33.31
228	WLJA-FM	LIC	228	A	ELLIJAY	GA	67.14	115	-47.86	-31.66
229	WAYA	LIC	230	C3	SPRING CITY	TN	27.25	89	-61.75	-45.55
230	WAYA	LIC	230	C3	SPRING CITY	TN	27.25	142	-114.75	-98.55
231	WSTR	LIC	231	C	SMYRNA	GA	173.84	226	-52.16	-35.96
232	WJTT	LIC	232	A	RED BANK	TN	51.64	115	-63.36	-47.16
233	WGSQ	LIC	234	C	COOKEVILLE	TN	111.72	165	-53.28	-37.08
234	WGSQ	LIC	234	C	COOKEVILLE	TN	111.72	226	-114.28	-98.08
235	WGSQ	LIC	234	C	COOKEVILLE	TN	111.72	165	-53.28	-37.08
236	WALV	LIC	237	A	CLEVELAND	TN	28.59	72	-43.41	-27.21
237	WALV	LIC	237	A	CLEVELAND	TN	28.59	115	-86.41	-70.21
238	WBTS	LIC	238	C1	ATHENS	GA	152.96	200	-47.04	-30.84
239	WAYB-FM	LIC	239	A	GRAYSVILLE	TN	36.6	115	-78.4	-62.2
240	WLQK	LIC	240	C2	LIVINGSTON	TN	113.67	166	-52.33	-36.13
241	WKLS	LIC	241	C0	ATLANTA	GA	168.56	215	-46.44	-30.24
242	WDOD-FM	LIC	243	C	CHATTANOOGA	TN	52.84	165	-112.16	-95.96
243	WDOD-FM	LIC	243	C	CHATTANOOGA	TN	52.84	226	-173.16	-156.96
244	WDOD-FM	LIC	243	C	CHATTANOOGA	TN	52.84	165	-112.16	-95.96
245	WDOD-FM	LIC	243	C	CHATTANOOGA	TN	52.84	95	-42.16	-25.96
246	WFOX	LIC	246	C	GAINESVILLE	GA	152.96	226	-73.04	-56.84
247	WMXF-FM	LIC	247	C2	SOUTH PITTSBURG	TN	87.01	166	-78.99	-62.79
248	WJXB-FM	LIC	248	C	KNOXVILLE	TN	109.66	226	-116.34	-100.14
249	WJXB-FM	LIC	248	C	KNOXVILLE	TN	109.66	165	-55.34	-39.14
250	WSIX-FM	LIC	250	C	NASHVILLE	TN	205.67	226	-20.33	-4.13
251	WKXJ	LIC	251	A	SIGNAL MOUNTAIN	TN	59.36	115	-55.64	-39.44
252	WLOD-FM	LIC	252	A	SWEETWATER	TN	45.27	115	-69.73	-53.53
253	WSB-FM	LIC	253	C	ATLANTA	GA	173.91	226	-52.09	-35.89
254	WYIL-FM	LIC	254	C3	OLIVER SPRINGS	TN	111.22	142	-30.78	-14.58
255	WQMT	LIC	255	A	CHATSWORTH	GA	52.41	115	-62.59	-46.39
256	WAHR	LIC	256	C	HUNTSVILLE	AL	180.06	226	-45.94	-29.74
257	WPBX	LIC	257	A	CROSSVILLE	TN	77.74	115	-37.26	-21.06
258	WYGO	LIC	258	A	MADISONVILLE	TN	37.71	115	-77.29	-61.09
259	WWTN	LIC	259	C	MANCHESTER	TN	170.51	226	-55.49	-39.29
260	WKSF	LIC	260	C	ASHEVILLE	NC	182.56	226	-43.44	-27.24
261	WNSY	LIC	261	C3	TALKING ROCK	GA	76.82	142	-65.18	-48.98

<u>Study</u>	<u>Call</u>		<u>Channel</u>		<u>Location</u>		<u>Dist (km)</u>	<u>FCC (km)</u>	<u>Margin</u>	<u>16.2 km Offset</u>
262	WOKI-FM	LIC	262	C	OAK RIDGE	TN	102.73	226	-123.27	-107.07
263	WUSY	LIC	264	C	CLEVELAND	TN	48.85	165	-116.15	-99.95
264	WUSY	LIC	264	C	CLEVELAND	TN	48.85	226	-177.15	-160.95
265	WUSY	LIC	264	C	CLEVELAND	TN	48.85	165	-116.15	-99.95
266	WUSY	LIC	264	C	CLEVELAND	TN	48.85	95	-46.15	-29.95
267	WECO-FM	LIC	267	C3	WARTBURG	TN	100.94	142	-41.06	-24.86
268	WKHX-FM	LIC	268	C	MARIETTA	GA	168.56	226	-57.44	-41.24
269	WJSQ	LIC	269	C3	ATHENS	TN	37.71	142	-104.29	-88.09
270	WTUN	LIC	270	A	RINGGOLD	GA	46.19	115	-68.81	-52.61
271	WWST	LIC	271	C1	SEVIERVILLE	TN	114.63	200	-85.37	-69.17
272	WGOW-FM	LIC	272	A	SODDY-DAISY	TN	44.04	115	-70.96	-54.76
273	WOWF	LIC	273	C3	CROSSVILLE	TN	84.54	142	-57.46	-41.26
274	WCNG	LIC	274	A	MURPHY	NC	73.33	115	-41.67	-25.47
275	WLLJ	LIC	276	C2	ETOWAH	TN	20.15	106	-85.85	-69.65
276	WLLJ	LIC	276	C2	ETOWAH	TN	20.15	166	-145.85	-129.65
277	WVEE	LIC	277	C	ATLANTA	GA	173.91	226	-52.09	-35.89
278	WIMZ-FM	LIC	278	C	KNOXVILLE	TN	132.65	226	-93.35	-77.15
279	WTRZ-FM	APP	279	C3	WALDEN	TN	51.64	142	-90.36	-74.16
280	WPPL	LIC	280	A	BLUE RIDGE	GA	60.55	115	-54.45	-38.25
281	WCLE-FM	LIC	281	A	CALHOUN	TN	7.76	115	-107.24	-91.04
282	WCLE-FM	LIC	281	A	CALHOUN	TN	7.76	72	-64.24	-48.04
283	WYYU	LIC	283	A	DALTON	GA	52.41	115	-62.59	-46.39
284	WDNT-FM	LIC	285	A	DAYTON	TN	34.88	72	-37.12	-20.92
285	WDNT-FM	LIC	285	A	DAYTON	TN	34.88	115	-80.12	-63.92
286	WDNT-FM	LIC	285	A	DAYTON	TN	34.88	72	-37.12	-20.92
287	WKVL-FM	LIC	287	A	LOUDON	TN	73.22	115	-41.78	-25.58
288	WRXR-FM	LIC	288	A	ROSSVILLE	GA	52.25	115	-62.75	-46.55
289	WWSR	LIC	289	A	ROCKWOOD	TN	64.25	115	-50.75	-34.55
290	WSKZ	LIC	293	C	CHATTANOOGA	TN	52.85	95	-42.15	-25.95
291	WNGC	LIC	291	C1	TOCCOA	GA	142.58	200	-57.42	-41.22
292	WSKZ	LIC	293	C	CHATTANOOGA	TN	52.85	165	-112.15	-95.95
293	WSKZ	LIC	293	C	CHATTANOOGA	TN	52.85	226	-173.15	-156.95
294	WYAY	LIC	294	C	GAINESVILLE	GA	152.96	226	-73.04	-56.84
295	WKXD-FM	LIC	295	C2	MONTEREY	TN	102.41	166	-63.59	-47.39
296	WTSH-FM	LIC	296	C2	ROCKMART	GA	116.82	166	-49.18	-32.98
297	WKZP	LIC	297	A	SPENCER	TN	81.01	115	-33.99	-17.79
298	WIVK-FM	LIC	299	C	KNOXVILLE	TN	114.59	165	-50.41	-34.21
299	WIVK-FM	LIC	299	C	KNOXVILLE	TN	114.59	226	-111.41	-95.21
300	WOGT	LIC	300	C3	EAST RIDGE	TN	52.85	142	-89.15	-72.95

EXHIBIT C
CITY GRADE AND PROTECTED CONTOUR

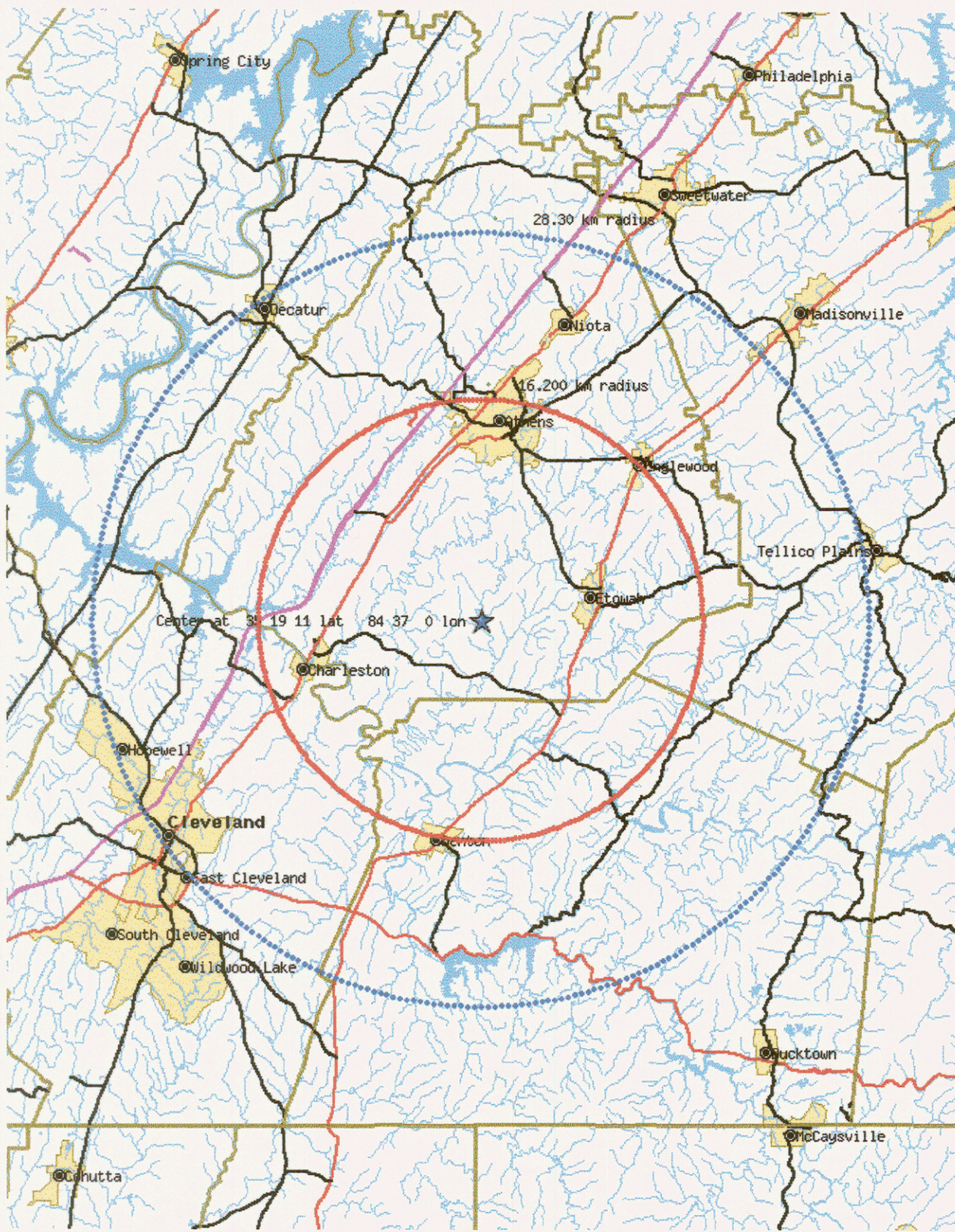


EXHIBIT D
GOVERNMENT OFFICES IN CHARLESTON

Charleston City Hall & Police Department

126 Worth Street Northeast, Charleston, TN 37310
(423) 336-1483

Charleston City Fire Hall

8824 Hiwassee Street Northwest, Charleston, TN 37310
(423) 336-5731

Charleston Main Post Office - 37310

8916 Hiwassee Street Northeast, Charleston, TN 37310
(423) 336-3491

EXHIBIT E
BUSINESSES AND CHURCHES

Abc Locksmithing (423) 829-5397	Charleston, TN
Am South Bank (423) 339-4658	8746 Hiwassee St NE Charleston, TN
Benton Banking Co (423) 336-5023	8541 Hiwassee St Charleston, TN
Blackburn's Cut-Rite (423) 559-8941	582 Mowery Cir NW Charleston, TN
Burke's Berries (423) 336-3322	1759 Chatata Valley Rd NE Charleston, TN
Burke's Paving (423) 338-5085	1009 Baker Bridge Rd NE Charleston, TN
C & C Auto Parts (423) 336-2871	225 Water St Charleston, TN
C & C Rental Center (423) 336-2871	225 Water St NE Charleston, TN
Charleston Auto Sales (423) 336-9723	8991 Hiwassee St NW Charleston, TN
Charleston Senior Center & Nutrition Site (423) 336-2145	242 Bates St Charleston, TN
Coif Concepts (423) 336-5550	9041 Hiwassee St NW Charleston, TN
Dan's Sharpening Svc (423) 780-9119	8501 Eureka Rd NW Charleston, TN
Denton Country Store (423) 336-5623	115 Mcalister Ln NE Charleston, TN
Flowers By Janice (423) 780-9583	552 Haney Cir NW Charleston, TN
Fugate Firearms (423) 336-2675	5085 Highway 11 S Charleston, TN
Gene's Tax Service (423) 336-5458	458 Market St NE Charleston, TN
Good's Disposal Services (423) 336-9169	962 Council Rd Charleston, TN
Henegar House Gardens (423) 780-9070	428 Market St NE Charleston, TN
Hewitt Lawncare & Landscaping (423) 336-1271	930 Council Rd Charleston, TN

<u>Hiwassee Construction Co</u> (423) 336-2271	996 County Rd 20 <u>Charleston, TN</u>
<u>Hiwassee Tan & Video</u> (423) 336-8277	8659 Hiwassee St <u>Charleston, TN</u>
<u>Lisa's</u> (423) 336-1801	1595 Lauderdale Memorial Hwy N <u>Charleston, TN</u>
<u>Marine Outfitters</u> (423) 336-1088	1607 Lauderdale Memorial Hwy N <u>Charleston, TN</u>
<u>Omc Employees Credit Union</u> (423) 336-4331	1186 Lower River Rd NW <u>Charleston, TN</u>
<u>Pizza To Go</u> (423) 336-3144	8907 Hiwassee St <u>Charleston, TN</u>
<u>Rbc Ace Hardware Charleston</u> (423) 336-2266	140 Water St <u>Charleston, TN</u>
<u>Ridgeview Sporting Goods</u> (423) 479-3421	6887 Candies Creek Ridge Rd NW <u>Charleston, TN</u>
<u>Riverside Machine Shop</u> (423) 336-5505	396 Ledford Island Rd <u>Charleston, TN</u>
<u>Roe Service</u> (423) 339-0923	156 Glensara Dr NW <u>Charleston, TN</u>
<u>Sonic Drive In</u> (423) 336-3500	8871 Hiwassee St NW <u>Charleston, TN</u>
<u>Tennessee Craftsman Inc</u> (423) 476-1323	312 Mowery Ln NW <u>Charleston, TN</u>
<u>Walker Valley Apartments</u> (423) 336-3956	8401 Hiwassee St NW <u>Charleston, TN</u>

<u>Candies Creek Baptist Church/Dgn None</u> (423) 479-3731	294 Old Eureka Rd NW <u>Charleston, TN</u>
<u>Center Point Baptist Church</u> (423) 336-2133	1205 Lower River Rd NW <u>Charleston, TN</u>
<u>Charleston Church Of God</u> (423) 336-5649	181 Cass Ln <u>Charleston, TN</u>
<u>Charleston United Methodist Church</u> (423) 336-2161	128 Cass St NE <u>Charleston, TN</u>
<u>Council Baptist Church</u> (423) 336-2260	1415 Upper River Rd NE <u>Charleston, TN</u>
<u>First Baptist Church</u> (423) 336-2356	338 Market St <u>Charleston, TN</u>
<u>Green's Chapel Cp Church</u> (423) 336-2877	288 Wool St <u>Charleston, TN</u>
<u>Greens Chapel Family Life Center</u> (423) 336-2883	147 Church St NE <u>Charleston, TN</u>
<u>Henegar's Baptist Church</u> (423) 336-2562	7423 Mouse Creek Rd NW <u>Charleston, TN</u>
<u>New Fellowship Baptist Church</u> (423) 336-2006	121 Newport St NW <u>Charleston, TN</u>
<u>Watson Chapel A M E Zion Church</u> (423) 336-5583	311 Market St NE <u>Charleston, TN</u>